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# Beyond Territorial Disputes in the South China Sea

Legal Frameworks for  
the Joint Development  
of Hydrocarbon  
Resources



**Beyond Territorial Disputes In The South China Sea**  
**Legal Frameworks For The Joint Development Of**  
**Hydrocarbon Resources Nus Centre For International**  
**Law Series**

**Ted L. McDorman, Keyuan  
Zou, Seokwoo Lee**



## **Beyond Territorial Disputes In The South China Sea Legal Frameworks For The Joint Development Of Hydrocarbon Resources Nus Centre For International Law Series:**

**Beyond Territorial Disputes in the South China Sea** Robert C. Beckman, Ian Townsend-Gault, Clive Schofield, Tara Davenport, Leonardo Bernard, 2013-01-01 The book has been written by many highly qualified observers and academicians that have spent a lot of time observing and analyzing the recent developments in the South China Sea particularly those relating to the dispute and way of overcoming them I do hope that this publication will throw some light on such important matters and indicate possible roads to follow in solving the territorial disputes through joint development concept Hasjim Djalal Director of Southeast Asian Studies Jakarta Indonesia This highly informative and up to date book brings together expert scholars in law of the sea to explore the legal and geopolitical aspects of the South China Sea disputes and provide an in depth examination on the prospects of joint development in the South China Sea The South China Sea has long been regarded as a source of conflict and tension in Asia Underlying this conflict is the dispute between China Vietnam the Philippines Malaysia and Brunei over the features in the South China Sea as well as the resources in the surrounding waters One viable solution is for the claimants to set aside their claims and jointly develop the hydrocarbon resources in the South China Sea Unlike previous works this book takes a unique approach by examining existing joint development arrangements in Asia to see if there are any lessons learnt that may be applicable to the South China Sea This approach has enabled the editors to move beyond a mere theoretical discussion on joint development and focus on the law policy and practical issues related to joint development Beyond Territorial Disputes in the South China Sea will strongly appeal to Government officials policy makers from ASEAN Countries China and the United States as well as academics particularly those who are involved in legal scholarship on the South China Sea disputes Practitioners of oil and gas law will also find much to benefit them in this book

**The South China Sea Disputes and Law of the Sea** S. Jayakumar, Tommy Koh, Robert Beckman, 2014-08-29 South China Sea Disputes And Law Of The Sea explores in great detail the application of specific provisions of UNCLOS and how the framework of international law applies to the South China Sea Offering a comprehensive analysis of the individual

Maritime Disputes and International Law Constantinos Yiallourides, 2019-05-20 The settlement of the maritime boundary disputes between China and Japan in the East China Sea and between Greece and Turkey in the Aegean Sea is politically deadlocked While diplomatic settlement efforts have been ongoing for the past several decades neither side in each case appears prepared to back down from its respective maritime and territorial claims Several incidents at sea have occurred prompting diplomatic protests military standoffs even exchange of fire The existing status quo is inherently unstable and does not favour either side to the extent that it holds hostage the multiple benefits that could otherwise be generated from the exploitation of the seabed energy and mineral resources in the disputed waters creating an urgent need for a meaningful discussion on finding a practical way forward This monograph undertakes a comprehensive analysis of these disputes based

on the rules and principles of international law critically evaluating possible institutional designs of inter State cooperation over seabed activities in disputed maritime areas and makes recommendations for the prospect of realising joint development regimes in the East China Sea and the Aegean to coordinate the exploration for and exploitation of resources without having resorted previously to boundary delimitation settlement

*The South China Sea Arbitration* S. Jayakumar, Tommy Koh, Robert Beckman, Tara Davenport, Hao Duy Phan, 2018-10-26 Bringing together leading experts on the law of the sea The South China Sea Arbitration provides a detailed analysis of the significant aspects findings and legal reasoning in the high profile case of the South China Sea Arbitration between the Philippines and China The book offers a comprehensive overview and analysis of the major issues discussed in the Arbitration including jurisdiction procedure maritime entitlement and the protection of the marine environment The chapters also explore the implications of the case for the South China Sea disputes and possible dispute settlements under the 1982 United Nations Convention on the Law of the Sea The robust discussion in each chapter will be an invaluable contribution to the ongoing debate on the South China Sea Arbitration This informative and compelling book will be essential reading for scholars and students of public international law law of the sea international dispute settlement and international relations Policy makers and governmental officials with responsibility for law of the sea and international dispute settlement as well as members of international courts and tribunals international organisations and non governmental organisations will find this book a stimulating read Contributors include R Beckman T Davenport E Franck L Q Hung S Jayakumar S Kaye T Koh Y Lyons M H Nordquist N Oral H D Phan J A Roach C Symmons

Regulation on Navigation of Foreign Vessels Ted L. McDorman, Keyuan Zou, Seokwoo Lee, 2019-01-04 Regulation on Navigation of Foreign Vessels Asia Pacific State Practice focuses on one of the most contentious and diverse subject areas of the international law of the sea foreign vessel rights of navigation in national waters Featuring contributions from leading scholars in the law of the sea the book is organized in four parts in accordance with the geography of the Asia Pacific region Northeast Asia Southeast Asia North America and Australasia The volume examines the divergence and uniformity of state practice and legal cultures impacting the legislation concerning oceans and ocean activities

Transboundary Pollution S. Jayakumar, Tommy Koh, Robert Beckman, Hao Duy Phan, 2015-05-29 This important new book provides a comprehensive overview of the international legal principles governing transboundary pollution In doing so the experts writing in this book examine the practical applications of the State responsibility doctrine in

International Trade and Food Security Michael Ewing-Chow, Melanie Vilarasau Slade, 2016-01-29 Food security is one of the greatest challenges of our time The food price crisis of 2008 exposed the vulnerabilities of the global food system Governments across Asia exacerbated the crisis by imposing export restrictions based on a policy of self sufficiency This book assesses whether self sufficiency is an adequate response to the food security challenges we face Pricing volatility drives isolationism at a time when climate change and increasingly uncertain weather patterns make it difficult for any single nation to guarantee adequate food production for itself Through a

collection of commissioned studies which draw upon the experience of leading experts and scholars in trade investment law economics and food policy this book analyses the impact of this trend on the most essential crop in the Asian region rice It suggests that food security policy should be reconceptualised from the national to the regional and even the global level It also provides its own proposals as to how this new paradigm of collective food security should be understood and developed The book calls for a new conversation in the region acknowledging that the challenges we face are global and the solutions must be found in collective action This state of the art study will appeal to lawyers economists and political scientists as well as food security specialists by providing expert analyses and enlightening solutions for the future

**The Law of the Sea and Maritime Boundary Disputes in Areas of Hydrocarbon Potential** Vivek Chandra, 2023-09-22 The United Nations Convention on the Law of Sea UNCLOS is hailed as one of the most significant multilateral legal agreements executed in the past few decades However its shortcomings are neither trivial nor inconsequential especially regarding maritime boundary disputes involving hydrocarbon resources This monograph examines the relationship between UNCLOS and maritime boundaries in five non polar regions encompassing almost 90% of global unresolved disputes involving offshore hydrocarbon development The regions which include the eastern Mediterranean the Caspian Sea the Persian Gulf northeast Asia and the South China Sea were chosen for their oil and gas resources potential and recent military skirmishes that have the potential to lead to wider regional confrontations The book addresses each region's maritime boundary status in the context of specific articles within UNCLOS that have been exploited by disputing states to justify their overlapping claims The history and future applicability of multilateral Joint Development Area agreements for each region are evaluated for their potential to provide a cooperative solution to resolve ongoing tensions Highlighting the limitations of current gun boat diplomacy the monograph makes practical suggestions for new paradigms for resolving outstanding disputes promoting lasting peace and generating economic benefits resulting from resource development

**Mers d'Asie du Sud-Est. Coopérations, intégration et sécurité** Nathalie Fau, Benoît de Tréglodé, 2018-11-22 L'Asie du Sud-Est espace géopolitique majeur est une région dominante maritime l'espace marin y passe en superficie celui des terres émergées et sa situation exceptionnelle entre deux océans Pacifique et Indien lui confère un rôle central dans la circulation maritime mondiale L'Asie du Sud-Est espace géopolitique majeur est une région dominante maritime l'espace marin y passe en superficie celui des terres émergées et sa situation exceptionnelle entre deux océans Pacifique et Indien lui confère un rôle central dans la circulation maritime mondiale Loin d'être homogène et uniforme cette tendue maritime se structure en sous-ensembles régionaux et l'ambition de ce livre est de prendre en compte cette diversité il ne se focalise ainsi pas uniquement sur la mer de Chine méridionale mais traite également de la mer de Sulu Sulawesi de Timor et d'Arafura du Golfe du Tonkin du détroit de Malacca ou encore du Triangle de Corail Mers et détroits ont toujours joué un rôle central et unificateur dans l'intégration spatiale de cette région Mais l'intervention des puissances coloniales et surtout la volonté des États après leur indépendance de protéger leur territoire national

ont contribué à l'émergence de différends frontaliers territoriaux et maritimes. Si la mer cristallise ces tensions, elle n'en demeure pas moins au cœur d'enjeux politiques, économiques, sociaux et environnementaux, et de nombreuses initiatives de coopération ont été entreprises : exploration et exploitation pétrolières et gazières, pêche, recherche marine, sécurité maritime, protection de l'environnement, opérations de sauvetage et lutte contre la criminalité. Les richesses réunies dans cet ouvrage mettent en évidence le caractère transnational des questions maritimes en Asie du Sud-Est et croisent pour la première fois la dimension sécuritaire et le poids des coopérations régionales.

### **Beyond Territorial Disputes in the South China Sea R.**

Beckman, 2013      **Recent Developments in the South China Sea Dispute** Wu Shicun, Nong Hong, 2014-05-30 The South China Sea region contains potentially huge deposits of petroleum and natural gas, important shipping lanes and fishing areas and is subject to a number of maritime territorial disputes. This edited volume analyzes the most recent development in the South China Sea dispute, looking at the positions taken by China, the ASEAN countries and the US. In recent years, maritime joint development zones have emerged as an important means to overcome deadlock in relation to maritime jurisdictional claims. This book tests the applicability of joint development regime in this region and explores the prospect of joint development of resources as a way to successfully manage the conflict in the South China Sea. Eminent scholars in the field of South China Sea studies have contributed original chapters to the volume, covering such issues as the legal framework for joint development, how joint development might work in practice, the challenges faced by and the prospects arising from joint development, and the way forward for the region.

UNCLOS and Ocean Dispute Settlement Nong Hong, 2012-07-26 The United Nations Convention on the Law of the Sea (UNCLOS) offers a legal framework for the sustainable development of the oceans and their natural resources. However, recently there have been calls to amend the Convention due to some ambiguous provisions which are unable to address a variety of contemporary maritime issues. This book evaluates the applicability and effectiveness of UNCLOS as a settlement mechanism for addressing ocean disputes. The book's central focus is on the South China Sea/SCS dispute, one of the most complex and challenging ocean-related conflicts in the world. The book examines the ways in which an emphasis on sovereignty threats to maritime security and overlapping maritime claims caused by the newly established maritime regimes authorized by UNCLOS are all contributing factors to the SCS dispute. The book considers the internal coherence of the Law of the Sea Convention regime and its dispute settlement procedures. It looks at participation in the UNCLOS negotiations, maritime legislation and the dispute settlement practice of relevant States party to the SCS dispute. The author goes on to explore the relationship between UNCLOS and the regimes and institutions in the SCS, particularly in regard to issues of maritime security, marine environment protection, joint development of oil and gas, and general political interaction. The author proposes practical mechanisms to resolve the dispute whilst also offering a final judgement on the effectiveness of UNCLOS for settling disputes. UNCLOS and Ocean Dispute Settlement will be of particular interest to academics, students and policy makers of international shipping and maritime law, as well as being of interest to

academics and students in the field of international relations      Sharing the Resources of the South China Sea Mark John Valencia, Jon M. Van Dyke, Noel A. Ludwig, 1997-05-20 All of the national claims to South China Sea area islands they also present problems of cost efficiency An institutionalized dialogue would add structure stability to the discussions confidence building measures CBMs could help move the situation forward but neither would suffice as a solution The creation of a regional multilateral resource management body could reduce the rife regional tension however Many international regional precedents provide valuable lessons for regime building in the South China Sea The illustrations presented stimulate constructive discussion of a comprehensive multilateral interim solution to these difficult dangerous conflicts This book will interest assist decision makers negotiators academics desirous of a peaceful solution to these disputes      **Major Law and Policy Issues in the South China Sea** Dr Yann-huei Song, Professor Keyuan Zou, 2014-03-28 Major law and policy issues in the South China Sea are discussed mainly from the perspectives of leading American and European scholars in the study of the complex South China Sea disputes The issues include regional maritime cooperation and regime building Southeast Asian countries responses to the Chinese assertiveness China's historic claims maritime boundary delimitation and excessive maritime claims military activities and the law of the sea freedom of navigation and its impact on the problem the dispute between Vietnam and China confidence building measures and U S Taiwan China relations in the South China Sea and Taiwan's role in the resolution to the South China Sea issues Over the past three years there have been several incidents in the South China Sea between the claimants and also between the claimants and non claimants over fisheries collection of seismic data exploration for oil and gas resources and exercise of freedom of navigation Third party concerns and involvement in the South China Sea disputes have been increasing as manifested in actions taken by the United States India and Japan It is therefore important to examine South China Sea disputes from the legal and political perspective and from the view point of American and European experts who have been studying South China Sea issues for many years      **The Spratly Islands and International Law** Xuechan Ma, 2021-11-29 In *The Spratly Islands and International Law* Xuechan Ma offers a detailed analysis of legal solutions to achieve coexistence and cooperation in the Spratly Islands in the absence of maritime delimitation This book challenges the classical territoriality model of jurisdiction in international law which is ineffective in the Spratly Islands context where complex and contentious situations call for different solutions Based on the substance procedure duality of international law Ma draws on extensive sources of international law including cases treaties practice and doctrine and formulates novel concrete proposals to indicate the way forward for the Spratly Islands      **The South China Sea in Focus** Gregory B. Poling, 2013-07-26 Satellite imagery and geospatial analysis tools offer an unprecedented opportunity to harness new technologies in order to help resolve boundary disputes *The South China Sea in Focus* Clarifying the Limits of Maritime Dispute uses these tools to provide a first and necessary step toward tackling the overlapping maritime disputes in the South China Sea determining which waters are and are not in dispute under

international law The report opens with a set of geographic information system GIS based maps that provide an easily understandable benchmark against which policymakers and academics can judge the claims and actions of the South China Sea claimants More detailed color maps and methodological information follow for those who want to dig deeper into the claims and the report's conclusions **Maritime and Territorial Disputes in the South China Sea** Yih-Jye

Hwang, Edmund Frettingham, 2021-03-09 This edited volume rethinks the relationship between power and law in the age of China's rise by examining recent developments in the South China Sea SCS The contributors explore different interpretations of international law on the legal status of the contested islands and rocks and provide detailed analyses of the contested concepts and provisions the 2016 ruling by the SCS arbitration tribunal as well as the environmental economic and political impacts of the ruling This book facilitates a more meaningful and productive dialogue over the intersection interaction and interdependence between power and law in the context of the SCS Assessing the interactions between political legal and normative forces it provides insights into the specific dynamics of the dispute and the shifting security landscape in the region but also offers a basis for thinking more deeply about the broader rise of China This book will appeal to both students and scholars of IR International Law and Asian Studies and those engaged in research on the SCS disputes the rise of China and with a theoretical interest in law and power in international affairs The Legal Issues of International Law Concerning

Joint Development in Areas Under Sovereign Dispute Kuan-tsyh Yu (Steven), Lingnan College (Hong Kong, China). Centre for Asian Pacific Studies, 1993 China's Policy Towards Territorial Disputes Zijian Lu, 1989 Since 1949 and the founding of the People's Republic China has been involved in more than one territorial dispute with its neighbours Currently the most unstable and dangerous dispute is the one over the Paracel and Spratly islands in the South China Sea With their potentially rich and accessible petroleum resources these islands have become the new arena of conflict for the 1970s and 1980s China having already fought a war with South Vietnam over the Paracel Islands This book based on a wealth of primary materials in the Chinese language is the first to make a thorough and overall investigation of China's policy towards these islands It deals with the battle for the Paracels the dispute with Vietnam the disputes with the Philippines and Malaysia and the relationship between the territorial disputes and China's maritime claims in the South China Sea **The South China Sea Dispute as**

**International Law and Politics** Youngmin Seo, 2024-04-02 Digging deep into the fields of international law IL and international relations IR theory this book offers a groundbreaking interdisciplinary exploration of legal solutions to the South China Sea dispute Youngmin Seo navigates the complex terrain of the role of international law in times of power redistribution presenting unique insights that redefine perspectives Seamlessly blending IR and IL perspectives and providing a nuanced understanding of this global issue in the Indo Pacific this work is a beacon in turbulent waters



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